

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:07CV90-1-V**

**PHILLIP TYRONE MORRISON,** )  
 )  
 **Petitioner,** )  
 )  
 **vs.** )  
 )  
 **UNITED STATES OF AMERICA,** )  
 )  
 **Respondent.** )  
 \_\_\_\_\_ )

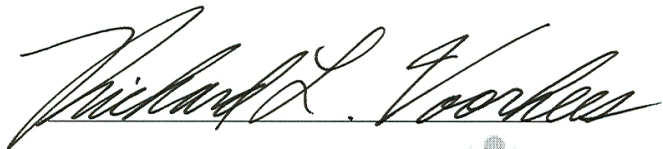
**ORDER**

**THIS MATTER** comes before the Court upon the Petitioner's Motion for Default Judgment (Doc. No. 3), filed October 25, 2007.

On August 3, 2007, Petitioner filed a Motion to Vacate, Set Aside, or Correct Sentence. On August 14, 2007, this Court ordered the Government to respond to Petitioner's Motion to Vacate within 40 days. On September 24, 2007, the Court discovered that the August 14, 2007, Order had not been served on the Government. As such, the deadline for the Government to respond was reset to October 30, 2007. The deadline has not passed and Petitioner is not entitled to a default judgment.

**THEREFORE, IT IS HEREBY ORDERED that** Petitioner's Motion for Default Judgment is **DENIED**.

Signed: October 25, 2007



Richard L. Voorhees  
United States District Judge

